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Serial No.: 10/055,208

AUG 18 2006

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**REMARKS**

2 These remarks follow the order of the paragraphs of the office action. Relevant portions of the  
3 office action are shown indented and italicized.

4 Claims 1-17 are in the application and allowable. New Claims 18 - 20 are added to protect  
5 detailed embodiments of the present invention.

6       ***OFFICE ACTION***

7       *1. This office action is in response to the applicants' amendment received on February*  
8       *14, 2006.*

9       *2. Claims 1-17 are presented for examination.*

10      *3. The applicants have amended claims 1, 5, and 10-12. The applicants, have added new*  
11      *claims 13-17..*

12

***Remarks***

13      *4. The examiner thanks the applicants for placing the allowable subject matter in an*  
14      *independent claim format. However, upon closer examination of the claim limitations, the*  
15      *claimed subject matter regarding "only in the affirmative case but not otherwise" has*  
16      *been determined to have a vague meaning.*

17

***Claim Rejections 35 USC §112***

18      *5. The following is a quotation of the second paragraph of 35 U.S.C. 112: The*  
19      *specification shall conclude with one or more claims particularly pointing out and*  
20      *distinctly claiming the subject matter which the applicant regards as his invention.*

21      *6. Claims 1,5, and 10-12 are rejected under 35 U.S.C. 112, second paragraph, as being*  
22      *indefinite for failing to particularly point out and distinctly claim the subject matter*  
23      *'which applicant regards as the invention.*

24      *Claims 1, 5, and 10-12 recite "only in the affirmative case but not otherwise".*  
25      *This claim limitation is vague and difficult to interpret. It appears to be only an*  
26      *"expression" of an transaction 'statement, does not appear to have any executable*  
27      *qualities that would produce tangible results. More importantly this phrase appears to be*  
28      *incomplete, it seems as though another step should follow "only in the affirmative case*  
29      *but not otherwise" in order to make the process more complete.*

30      *The examiner kindly requests that the applicants consider removing and/or further*  
31      *amending claims 1, 5, and 10-12 to give further clarity to the claim limitations of "only in*  
32      *the affirmative case but not otherwise".*

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1        *Thus the remaining dependent claims are also ejected for being dependent upon the*  
2        *above recited independent claims.*

3        In response, the applicants respectfully states that Claims 1,5, and 10-12 are amended herein to  
4        replace the phrase "only in the affirmative case but not otherwise" in a manner which is clear and  
5        definite. Claim 2 is similarly amended. This overcomes the rejection of Claims 1,5, and 10-12  
6        under 35 U.S.C. 112, second paragraph, and makes all the claims allowable.

7                  ***Claim Rejections - 35 USC § 101***

8        *7. 35 U.S.C. 101 reads as follows:*

9        *Whoever invents or discovers any new and useful process, machine, manufacture, or*  
10      *composition of matter, or any new and useful improvement thereof, may obtain a patent*  
11      *therefor, subject to the conditions and requirements of this title.*

12      *8. Claims 1, 5, and 10-12 are rejected under 35 U.S.C. 101 because the claimed*  
13      *invention is directed to non-statutory subject matter.*

14      ***MPEP 2106 IV.B.2.(b)***

15      *A claim that requires one or more acts to be performed defines a process. However,*  
16      *not all processes are statutory under 35 U.S.C. 101. Schrader, 22 F.3d at 296, 30*  
17      *USPQ2d at 1460. To be statutory, a claimed computer-related process must either: (A)*  
18      *result in a physical transformation outside the computer for which a practical*  
19      *application in the technological arts is either disclosed in the specification or would have*  
20      *been known to a skilled artisan, or (B) be limited to a practical application within the*  
21      *technological arts.*

22      *9. Claims 1, 5, and 10-12 are not statutory because they merely recite a number of*  
23      *computing steps without producing any tangible result and/or being limited to a practical*  
24      *application within the technological arts.*

25      *Although, claims 1, 5, and 10-12 are tangibly embodied on a computing apparatus the*  
26      *claims fail to produce tangible results.*

27      *Claims 1, 5, and 10-12 are non-statutory because the claims recite a series of*  
28      *programmable steps, i.e. "executing nested transaction... Start Transaction...End*  
29      *Transaction", however these steps do not recite an enablement feature which would*  
30      *cause an improvement to the applicants invention. In other words, what are the*  
31      *programmable features embodied in claims 1,5, and 10-12 are seeking to improve. The*  
32      *programmable features do not recite any specific computer related data structure that is*  
33      *being improved or manipulated. Are these programmable steps attempting to provide (1)*  
34      *more memory space, (2) manipulation of data for the purpose of displaying, etc.? The*  
35      *examiner suggests that the applicants should consider amending the claims to recite the*  
36      *specific computer related data structures or computer related data objects (memory,*  
37      *cache, storage, display, interface, etc.) that are to be improved, executed, or manipulated*  
38      *etc.*

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*The claim recites a series of programmable steps, however the claims does not recite any of the following steps which would be within the technological art for a practical application to produce tangible results:*

- (a) "computing" data;
  - (b) "storing" data;
  - (c) "receiving" data or
  - (d) "displaying" data, etc.

Also, the independent claims are silent on the type of transactions that are being executed. For instance, (1) façade library, (2) transaction object comprises a depth counter, (3) Commit Transaction operation, and (3) Rollback Transaction do not comprise any detailed data about the type of executable operation that is being performed.

13 In response, the applicants respectfully states that claims 1-13, 15 and 17 are amended to include  
14 the words 'for computing data'. This overcomes the rejection of Claims 1, 5, and 10-12, and their  
15 dependent claims, under 35 U.S.C. 101, and makes all the claims statutory and allowable.

16 It is anticipated that this amendment shows that claims 1-17 are allowable. New Claims 18 and  
17 20 are added to protect detailed embodiments of the present invention. Claim 18 has all the  
18 limitations of claims 2-4. Claim 19 is a Beauregard claim for claim 18. Claim 20 has all the  
19 limitations of claims 6-9. If any question remains, please contact the undersigned before issuing  
20 a communication with a FINAL status.

21 Please charge any fee necessary to enter this paper to deposit account 50-0510.

Respectfully submitted,

RV<sup>+</sup>

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